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ASSET CAMPUS HOUSING, INC.

7 UNITED STATES DISTRICT COURT
8
9 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

10 JUNAN CHEN, KELLY YAO WANG,
11 CHANGSHUANG WANG, JINSHUANG
12 LIU, LICHU CHEN, and WENQUEI
HONG,

13 Plaintiffs,

14 v.

15 COUNTY OF SANTA BARBARA;
16 SANTA BARBARA COUNTY
SHERIFF'S DEPARTMENT; CAPRI
17 APARTMENTS AT ISLA VISTA;
ASSET CAMPUS HOUSING, and DOES
1 through 200, Inclusive,

18 Defendants.
19
20

Case No.: 2:15-CV-01509-JFW (JEMx)

**ANSWER OF DEFENDANT ASSET
CAMPUS HOUSING, INC. TO
PLAINTIFFS' FIRST AMENDED
COMPLAINT FOR DAMAGES**

Judge: Hon. John F. Walter
Courtroom 16 – Spring Street

21 COMES NOW DEFENDANT ASSET CAMPUS HOUSING (“Defendant”), a
22 Texas Corporation, and in answering the First Amended Complaint for Damages of
23 Plaintiffs, admits, denies, and alleges as follows:

24 JURISDICTION AND VENUE

- 25 1. Answering Paragraph 1, Defendant admits all allegations.
26 2. Answering Paragraph 2, Defendant admits that venue is proper but lacks
27 information sufficient to form a belief about the truth of the remaining allegations and
28 on that ground, deny each and every allegation therein.

1 3. Answering Paragraph 3, Defendant lacks information sufficient to form a
2 belief about the truth of the allegations and on that ground, deny each and every
3 allegation therein.

4 4. Answering Paragraph 4, Defendant lacks information sufficient to form a
5 belief about the truth of the allegations and on that ground, deny each and every
6 allegation therein.

7 5. Answering Paragraph 5, Defendant lacks information sufficient to form a
8 belief about the truth of the allegations and on that ground, deny each and every
9 allegation therein.

10 6. Answering Paragraph 6, Defendant lacks information sufficient to form a
11 belief about the truth of the allegations and on that ground, deny each and every
12 allegation therein..

13 7. Answering Paragraph 7, Defendant lacks information sufficient to form a
14 belief about the truth of the allegations and on that ground, deny each and every
15 allegation therein.

16 8. Answering Paragraph 8, Defendant lacks information sufficient to form a
17 belief about the truth of the allegations and on that ground, deny each and every
18 allegation therein.

19 9. Answering Paragraph 9, Defendant admits sentences 1, 2, 3, and 5, but
20 lacks information sufficient to form a belief about the truth of the remaining allegations
21 and on that ground, deny each and every allegation therein.

22 10. Answering Paragraph 10, Defendant admits all allegations.

23 11. Answering Paragraph 11, Defendant lacks information sufficient to form a
24 belief about the truth of the allegations and on that ground, deny each and every
25 allegation therein.

26 12. Answering Paragraph 12, Defendant lacks information sufficient to form a
27 belief about the truth of the allegations and on that ground, deny each and every
28 allegation therein.

1 13. Answering Paragraph 13, Defendant admits it was and is a corporation
2 existing under the laws of the State of Texas and providing services and conducting
3 business in the State of California with a principal place of business location at 675
4 Bering Dr., Suite 200, Houston, TX 77057. Defendant denies each of the remaining
5 allegations therein.

6 14. Answering Paragraph 14, Defendant lacks information sufficient to form a
7 belief about the truth of the allegations and on that ground, deny each and every
8 allegation therein.

9 15. Answering Paragraph 15, Defendant lacks information sufficient to form a
10 belief about the truth of the allegations and on that ground, deny each and every
11 allegation therein.

12 16. Answering Paragraph 16, Defendant denies all allegations therein.

13 17. Answering Paragraph 17, this paragraph contains no factual allegations to
14 which a response is required.

15 18. Answering Paragraph 18, Defendant admits all allegations.

16 19. Answering Paragraph 19, Defendant admits all allegations.

17 20. Answering Paragraph 20, Defendant lacks information sufficient to form a
18 belief about the truth of the allegations and on that ground, deny each and every
19 allegation therein.

20 ALLEGATIONS COMMON TO ALL CAUSES OF ACTION HEREIN

21 21. Answering Paragraph 21, Defendant admits all allegations therein with the
22 exception denying that CAPRI assigned Rodger to live in Apt. #7 and paired Rodger
23 with two roommates to live with in Apt. #7.

24 22. Answering Paragraph 22, Defendant admits sentence 5. Defendant admits
25 sentence 1 with the exception of denying that Rodger was assigned by CAPRI two new
26 roommates. Defendant lacks information sufficient to form a belief about the truth of
27 the remaining allegations and on that ground, deny each and every allegation therein.

28 23. Answering Paragraph 23, Defendant admits sentence 1 with the exception

1 of denying that CAPRI assigned Rodger a new roommate. Defendant lacks information
2 sufficient to form a belief about the truth of the remaining allegations and on that
3 ground, deny each and every allegation therein.

4 24. Answering Paragraph 24, Defendant lacks information sufficient to form a
5 belief about the truth of the allegations and on that ground, deny each and every
6 allegation therein.

7 25. Answering Paragraph 25, Defendant admits sentence 5. Defendant admits
8 that it received complaints about Rodger from Horowitz, but lacks information
9 sufficient to form a belief about the truth of the remaining allegations and on that
10 ground, deny each and every allegation therein.

11 26. Answering Paragraph 26, Defendant lacks information sufficient to form a
12 belief about the truth of the allegations and on that ground, deny each and every
13 allegation therein.

14 27. Answering Paragraph 27, Defendant lacks information sufficient to form a
15 belief about the truth of the allegations and on that ground, deny each and every
16 allegation therein.

17 28. Answering Paragraph 28, Defendant admits sentence 1 that Rodger was
18 transferred to Apt. #7 at the main Capri complex on Seville Road, the same apartment
19 he had occupied in June of 2011, with the exception of denying that Rodger was
20 transferred by CAPRI. Defendant admits sentence 3 that after a month Rodger was
21 assigned two new roommates, but denies that CAPRI assigned Rodger the new
22 roommates. Defendant lacks information sufficient to form a belief about the truth of
23 the remaining allegations and on that ground, deny each and every allegation therein.

24 29. Answering Paragraph 29, Defendant lacks information sufficient to form a
25 belief about the truth of the allegations and on that ground, deny each and every
26 allegation therein.

27 30. Answering Paragraph 30, Defendant lacks information sufficient to form a
28 belief about the truth of the allegations and on that ground, deny each and every

1 allegation therein.

2 31. Answering Paragraph 31, Defendant lacks information sufficient to form a
3 belief about the truth of the allegations and on that ground, deny each and every
4 allegation therein.

5 32. Answering Paragraph 32, Defendant lacks information sufficient to form a
6 belief about the truth of the allegations and on that ground, deny each and every
7 allegation therein.

8 33. Answering Paragraph 33, Defendant lacks information sufficient to form a
9 belief about the truth of the allegations and on that ground, deny each and every
10 allegation therein.

11 34. Answering Paragraph 34, Defendant lacks information sufficient to form a
12 belief about the truth of the allegations and on that ground, deny each and every
13 allegation therein.

14 35. Answering Paragraph 35, Defendant lacks information sufficient to form a
15 belief about the truth of the allegations and on that ground, deny each and every
16 allegation therein.

17 36. Answering Paragraph 36, Defendant admits sentence 2 to the extent that it
18 was involved in arranging for Rodger's roommates. Defendant admits sentence 2 with
19 the exception of denying that CAPRI assigned Hong and Wang as Rodger's new
20 roommates. Defendant denies sentence 8 to the extent that CAPRI affirmatively
21 undertook to pair Hong, Wang, and Rodger as roommates. Defendant lacks information
22 sufficient to form a belief about the truth of the remaining allegations and on that
23 ground, deny each and every allegation therein.

24 37. Answering Paragraph 37, Defendant admits sentence 10 to the extent that it
25 was aware that law enforcement officers had come to Apt. #7 due to a dispute between
26 Rodger and his roommates. Defendant lacks information sufficient to form a belief
27 about the truth of the remaining allegations and on that ground, deny each and every
28 allegation therein.

1 38. Answering Paragraph 38, Defendant lacks information sufficient to form a
2 belief about the truth of the allegations and on that ground, deny each and every
3 allegation therein.

4 39. Answering Paragraph 39, Defendant lacks information sufficient to form a
5 belief about the truth of the allegations and on that ground, deny each and every
6 allegation therein.

7 40. Answering Paragraph 40, Defendant lacks information sufficient to form a
8 belief about the truth of the allegations and on that ground, deny each and every
9 allegation therein.

10 41. Answering Paragraph 41, Defendant admits Rodger killed his two
11 roommates and a visiting friend of theirs. Defendant admits that Rodger then went into
12 Isla Vista and carried out a shooting rampage that killed another three people and
13 wounded fourteen. Defendant lacks information sufficient to form a belief about the
14 truth of the remaining allegations and on that ground, deny each and every allegation
15 therein.

16 FIRST CAUSE OF ACTION

17 VIOLATION OF DUE PROCESS UNDER THE FOURTEENTH AMENDMENT
18 AGAINST DEFENDANTS COUNTY; SBCSD; AND DOES 1-50, INCLUSIVE

19 42. Insofar as a response is required to Paragraph 42, Defendant incorporates
20 its responses to Paragraphs 1-41 as set forth in this Answer.

21 43. Answering Paragraph 43, Defendant lacks information sufficient to form a
22 belief about the truth of the allegations and on that ground, deny each and every
23 allegation therein.

24 44. Answering Paragraph 44, Defendant lacks information sufficient to form a
25 belief about the truth of the allegations and on that ground, deny each and every
26 allegation therein.

27 45. Answering Paragraph 45, Defendant lacks information sufficient to form a
28 belief about the truth of the allegations and on that ground, deny each and every

1 allegation therein.

2 46. Answering Paragraph 46, Defendant lacks information sufficient to form a
3 belief about the truth of the allegations and on that ground, deny each and every
4 allegation therein.

5 47. Answering Paragraph 47, Defendant lacks information sufficient to form a
6 belief about the truth of the allegations and on that ground, deny each and every
7 allegation therein.

8 48. Answering Paragraph 48, Defendant lacks information sufficient to form a
9 belief about the truth of the allegations and on that ground, deny each and every
10 allegation therein.

11 49. Answering Paragraph 49, Defendant lacks information sufficient to form a
12 belief about the truth of the allegations and on that ground, deny each and every
13 allegation therein.

14 SECOND CAUSE OF ACTION

15 NEGLIGENCE AGAINST DEFENDANTS CAPRI, ASSET, AND DOES 51-100,
16 INCLUSIVE

17 50. Insofar as a response is required to Paragraph 50, Defendant incorporates
18 its responses to Paragraphs 1-49 as set forth in this Answer.

19 51. Answering Paragraph 51, Defendant denies all allegations.

20 52. Answering Paragraph 52, Defendant denies all allegations.

21 53. Answering Paragraph 53, Defendant denies all allegations.

22 54. Answering Paragraph 54, Defendant denies all allegations.

23 55. Answering Paragraph 55, Defendant denies all allegations.

24 56. Answering Paragraph 56, Defendant denies all allegations.

25 57. Answering Paragraph 57, Defendant denies all allegations.

26 PRAYER FOR RELIEF

27 On page 15 of the First Amended Complaint, Plaintiffs make a Prayer for Relief
28 which sets forth their alleged damages and does not assert material allegations requiring

1 an Answer. To the extent Plaintiffs' Prayer for Relief requires a response, Defendant
2 denies all allegations.

3 AFFIRMATIVE DEFENSES

4 58. As separate and distinct affirmative defenses, Defendant alleges as follows.
5 By alleging the matters set forth below as "Affirmative Defenses," Defendant does not
6 thereby allege or admit that it has the burden of proof of the burden of persuasion with
7 respect to any of these matters. Furthermore, Defendant hereby gives notice that it
8 intends to rely upon such other and further defenses as may become available or
9 apparent during pretrial proceedings in this action and hereby reserves its right to amend
10 this answer and assert all such defenses.

11 59. As a Second Affirmative Defense, the First Amended Complaint for
12 Damages fails to state facts sufficient to constitute a cause of action against Defendant.

13 60. As a Third Affirmative Defense, and each of the claims set forth therein,
14 Defendant is informed and believes and thereon alleges that other persons were careless
15 and/or negligent, and/or committed intentional acts, and that this carelessness and
16 negligence or these intentional acts proximately contributed to the happening of the
17 incidents referred to in the complaint. Defendant therefore requests that in the event of a
18 finding of any liability in favor of Plaintiffs, or settlement or judgment against
19 Defendant, an apportionment of fault be made among all parties, as permitted by Li v.
20 Yellow Cab Co. and American Motorcycle Assn. v. Superior Court, by the Court or
21 jury. Defendant further requests a judgment and declaration of partial indemnification
22 and contribution against all other parties or persons in accordance with the
23 apportionment of fault.

24 61. As a Fourth Affirmative Defense, Defendant is informed and believes and
25 thereon alleges that Plaintiffs themselves were negligent and/or careless in and about the
26 matters referred to in the First Amended Complaint and to the extent that such
27 negligence and/or carelessness on the part of Plaintiffs caused and/or contributed to the
28 alleged damages, if any there were, Plaintiffs' recovery should be barred or

1 proportionately reduced.

2 62. As a Fifth Affirmative Defense, Defendant is informed and believes and
3 thereon alleges that Plaintiffs lack standing to sue.

4 63. As a Sixth Affirmative Defense, Defendant is informed and believes and
5 thereon alleges that Plaintiffs are not owed the duties by Defendant as alleged in the
6 First Amended Complaint.

7 64. As a Seventh Affirmative Defense, Defendant is informed and believes and
8 thereon alleges that Defendant did not breach any duties, if any existed, to Plaintiffs as
9 alleged in the First Amended Complaint.

10 65. As an Eighth Affirmative Defense, Defendant is informed and believes and
11 thereon alleges that no causal relationship exists between the behavior as alleged against
12 Defendant in the First Amended Complaint and Plaintiffs' alleged damages.

13 66. As a Ninth Affirmative Defense, Defendant is informed and believes and
14 thereon alleges that Plaintiffs failed to mitigate their damages.

15 67. Defendant presently has insufficient knowledge or information on which to
16 form a belief as to whether Defendant may have additional, as yet unstated, defenses
17 available. Defendant reserves herein the right to assert additional defenses in the event
18 discovery indicates that they would be appropriate.

19 WHEREFORE, Defendant ASSET CAMPUS HOUSING, INC. prays that
20 Plaintiffs take nothing by way of their First Amended Complaint, and that the First
21 Amended Complaint be dismissed and Defendant awarded its costs, including
22 reasonable attorneys' fees and such other relief as the Court may deem just and proper.
23

24 DATED: May 27, 2015

KRONENBERG LAW, P.C.

25
26 By /s/ William S. Kronenberg
27 William S. Kronenberg
28 Stephen H. Fleischer-Ihn
Attorneys for Defendant
ASSET CAMPUS HOUSING, INC.